

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

QSI-Fostoria D.C., LLC,

Case No. 3:02CV7466

Original Party Plaintiff,

&

ORDER

BACM 2001-1 Central Park West, LLC,

Intervenor,

v.

General Electric Capital Business Asset Funding Corp.,

Defendant,

This is a suit by a landlord against a former tenant in which the landlord's successor in interest has been permitted to intervene. In an earlier order I granted summary judgment as to two claims in favor of the intervenor and against the landlord. Pending is the intervenor's motion for certification under Fed. R. Civ. P. 54(b).

The landlord opposes the motion. In addition to its other arguments, its opposition asserts that it would be filing a motion for reconsideration, thereby raising doubt as to the finality of the summary judgment decision.

That motion has since been filed. As it no doubt makes sense to address and adjudicate it before considering whether Rule 54(b) certification is appropriate and proper, it is

ORDERED THAT:

1. The motion of the plaintiff-intervenor BACM 2001-1 Central Park West, LLC to certify as a final judgment portions of the order entered January 17, 2007, be, and the same hereby is overruled as premature, without prejudice; and

2. Plaintiff-intervenor granted leave to file its opposition to the original plaintiff's motion for reconsideration on or before April 16, 2007; reply to be filed on or before April 30, 2007.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge